

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and

THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 17964 of 2004

Between:

- 1 Smt. L.R. Manjiri W/o Late L.V. Subba Rao
R/o 7/260, Court Road, Anantapur
- 2 Sri LV Badri S/o Late L.V. Subbal Rao
R/o 7/260, Court Road, Anantapur
- 3 Sri L. Mallikarjuna Sarma S/o Late L.V. Subba Rao
R/o 7/260, Court Road, Anantapur
- 4 Sri. L. Ghandrasekhara Bharathi S/o Late L.V. Subba Rao
R/o 7/260, Court Road, Anantapur

..... PETITIONER(S)

AND

- 1 The State of Andhra Pradesh rep by Principal Secretary to Government
Industries & Commerce Departments Secretariat Buildings, Hyderabad
- 2 The Commissioner of Industries, Government of Andhra Pradesh, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction especially one in the nature of Writ of Mandamus directing the respondents to revise and refix the pay and pension of late Sri L.V. Subba Rao and release the arrears of pay, pension and other retirement benefits as per the judgment of the A.P. Administrative Tribunal in O.A. No. 5729 of 1993 dated 18th November 2002 with interest and exemplary costs for belated payments.

Counsel for the Petitioners: MR.Y.VENKAT SASTRY

Counsel for the Respondents: GP FOR SERVICES I

The Court made the following :

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ORAL ORDER (Per Hon'ble Sri Justice G.Bikshapathy)

1 . This writ petition is filed by the legal representatives of the deceased employee seeking for release of pension benefits and other retirement benefits consequent on the order passed by the Tribunal in O.A.No.5729 of 1993, dated 18.11.2002.

2 . Though we are of the opinion that the writ petition itself is not maintainable, but in view of the peculiar facts of this case, keeping in view the submission made by the learned Government Pleader, we are inclined to dispose of the writ petition.

3. The learned Government Pleader for the respondents has virtually conceded before this Court that the deceased employee has to be given promotion to the post of Joint Director keeping in view the orders passed by the Tribunal in O.A.No.5729 of 1993, dated 18.11.2002.

4. We dispose of this writ petition with a direction that the respondents shall pass appropriate orders of promotion within a period of two months from the date of receipt of a copy of this order and release the consequential benefits including pension and other retirement benefits to the petitioners, who are the legal representatives of the deceased employee.

5. With the above direction, the writ petition is closed. No costs.

(G. BIKSHAPATHY, J.)

6th December, 2004.

(P.S. NARAYANA, J.)

Bcj

To

- 1 the State of Andhra Pradesh rep by Principal Secretary to Government Industries
&
Commerce Departments Secretariat Buildings, Hyderabad
- 2 The Commissioner of Industries, Government of Andhra Pradesh, Hyderabad
- 3 Two C.Cs. to the Government Pleader for Services-I, High Court Buildings,
Hyderabad (OUT)
- 4 Two C.D. copies